

The Arkansas Soil Amendment Act of 1977

**"AN ACT TO BE KNOWN AS THE ARKANSAS SOIL AMENDMENT ACT OF 1977;
TO PROVIDE FOR THE REGULATION OF THE INTRODUCTION OF CERTAIN
SUBSTANCES INTO THE SOIL; AND FOR OTHER PURPOSES."**

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (2-19-401) Title

This Act shall be known and may be cited as the Soil Amendment Act of 1977.

SECTION 2. (2-19-404) Administration

This Act shall be administered by the Arkansas State Plant Board, hereafter referred to as the Plant Board.

SECTION 3. (2-19-402) Definitions

As used in this Act, unless the context otherwise requires:

SOIL AMENDMENT means and includes any substance which is intended to improve the physical, chemical or other characteristics of the soil or improve crop production, except the following:

*Commercial fertilizers	Topsoil
Agricultural liming materials	Unmanipulated vegetable manures
Pesticides	Agricultural gypsum
Unmanipulated animal manures	Herbicides

* Commercial Fertilizer shall be included if it is represented to contain, as an active ingredient, a substance other than a recognized plant food element or is represented as promoting plant growth by other than supplying a recognized plant food element;

NAME means the specific designation under which the individual product is offered for sale.

BULK means in nonpackaged form.

DISTRIBUTE means to import, consign, offer for sale, sell, barter, or to otherwise supply soil amendments to any person in this State.

DISTRIBUTOR means and includes any person who imports, consigns, sells, offers for sale, barter or otherwise supplies soil amendments in this State.

MANUFACTURER means any person who produces, compounds, mixes or blends soil amendments.

LABEL means the display of written, printed or graphic matter upon the immediate container of a soil amendment.

LABELING means all written, printed or graphic matter upon or accompanying any soil amendment, and all advertisements, brochures, posters, television or radio announcements used in promoting the sale of such soil amendment.

BOARD means the Arkansas State Plant Board.

ACTIVE INGREDIENT means the ingredient or ingredients which are claimed to have beneficial effects on soil or crops growing on soils.

INERT INGREDIENT means the ingredients which do not have any beneficial or harmful effects on soil or crops but are present in the product.

PERSON means individuals, partnerships, associations and corporations.

PERCENT or **PERCENTAGE** means by weight.

REGISTRANT means any person who registers a soil amendment under the provisions of this Act.

MISBRANDED means and shall apply if:

- (a) any soil amendment bears a label that is false or misleading in any particular,
- (b) any soil amendment is distributed under the name of another soil amendment,
- (c) any material is represented as a soil amendment or is represented as containing a soil amendment, unless the soil amendment conforms to the definition of identity, if any, prescribed by regulation,
- (d) the percentage of active ingredient in any soil amendment is not shown in the approved ingredient form, (e) the labeling on any soil amendment is false or misleading in any particular;

ADULTERATED means and shall apply to any soil amendment if:

- (a) it contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plants, animals or aquatic life when applied in accordance with the directions for use shown on the label; or if adequate warning statements and directions for use, which may be necessary to protect plants, animals or aquatic life are not shown on the label,
- (b) its composition falls below that which it is purported to possess by its labeling, or
- (c) it contains, noxious weed seed, harmful insects or harmful disease organisms.

SECTION 4. (2-19-407) Labeling Requirements and Approval of Ingredients

A. Each container of a soil amendment shall be labeled on the face or display side in a

readable and conspicuous form to show the following information:

1. The net weight of the contents;
2. The name of the product;
3. The guaranteed analysis, including the name and the percentage of each active ingredient, and the percentage of inert ingredients;
4. A statement as to the purpose of the product;
5. Adequate directions for use such as application rates, cultural practices and plants to be benefitted;
6. The name and address of the registrant.

B. Bulk lots shall be labeled by attaching a copy of the label to the invoice which shall be furnished the purchaser.

C. The Plant Board may require proof of claims made for any soil amendment. If no claims are made the Board may require proof of usefulness and value of the soil amendment. For evidence of proof the Plant Board will rely on experimental data, evaluations or advice supplied from such sources as the University of Arkansas Agricultural Experiment Station and Cooperative Extension Service. All experimental results shall be related to Arkansas conditions for which the product is intended. The Plant Board may accept or reject other sources of proof as additional evidence in evaluating soil amendments.

D. No soil-amending ingredient may be listed or guaranteed on the labels or labeling of soil amendments without Plant Board approval. The Plant Board may allow a soil-amending ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the Plant Board to substantiate the value and usefulness of the soil-amending ingredient. When a soil-amending ingredient is permitted to be listed or guaranteed it must be determinable by laboratory methods and is subject to inspection and analysis. The Plant Board may prescribe methods and procedures of inspection and analysis of the soil-amending ingredient. The Board may stipulate, by regulation, the quantities of the soil-amending ingredient or ingredients required in soil amendments.

SECTION 5. (2-19-408) Registration of Products

Each soil amendment product shall be registered with the Plant Board before it is distributed in this State. Application for registration shall be submitted to the Board, on a form prepared for that purpose, showing the information required on the label, as provided in Section 4 of this Act, except net weight of product.

The registration fee shall be set by the Board for each product. The applicant shall submit with the application for registration a copy of the label and a copy of all advertisements, brochures, posters and television and radio announcements to be used in promoting the sale of the soil amendment.

Regulation No. 1 - Registration Fees - Registration fees shall be \$25.00 for each soil amendment product registered by any manufacturer, registrant or distributor. Registrations shall expire on June 30 of the year for which such soil amendment product is registered.

SECTION 6. (2-19-410) Inspection Fee and Sales Report

A. The registrant shall pay to the Plant Board an inspection fee of thirty-seven and one-half cents (\$0.375) per ton on all products registered and sold in this State. Each registrant shall keep adequate records of his sales, and shall file with the Board, on a monthly basis, a signed report of the tonnage distributed by county during the preceding month. The report and payment of the inspection fee shall be due on or before the twentieth of the month. The Board, after a public hearing, may change the inspection fee schedule.

B. If the report is not filed, or the report is false in any respect or the inspection fee is not paid within the thirty (30) day period, the Plant Board may revoke the registration. A penalty of One Dollar (\$1.00) per day is assessed for each day the payment is overdue until paid. The inspection fee and the penalty shall constitute a debt and become the basis for a judgment against the registrant which may be collected by the Plant Board in any court of competent jurisdiction without prior demand.

SECTION 7. (2-19-412) Stop Sales, Use or Removal Orders

The Plant Board may issue and enforce a written or printed stop sale, use or removal order to the owner or custodian of any lot of soil amendment, and to hold at a designated place when the Plant Board finds said soil amendment is being offered or exposed for sale which is not registered, is not labeled, is misbranded or is adulterated, until such time as the product or labeling complies with this Act. The soil amendment may then be released in writing by the Board.

SECTION 8. (2-19-411) Prohibited Acts

It shall be a violation of this Act for any person:

1. To distribute a soil amendment that is not registered with the Plant Board;
2. To distribute a soil amendment that is not labeled;
3. To distribute a soil amendment that is misbranded;
4. To distribute a soil amendment that is adulterated;
5. To fail to comply with a stop sale, use or removal order; or
6. To fail to pay the inspection fee.

SECTION 9. (2-19-405) Inspection Authorized

The authorized agents of the Plant Board may inspect, sample, analyze and test soil amendments distributed in this State at any time and place, and to such extent as may be deemed necessary to determine whether such soil amendments are in compliance with this Act. The Plant Board and its employees or agents are authorized to enter upon public or private property during regular working hours in order to have access to soil amendments for the purpose of administering this Act.

SECTION 10. (2-19-406) Rules and Regulations

The Plant Board is authorized to adopt such rules and regulations as may be necessary to administer this Act, including methods of sampling, methods of analysis, designation of ingredient forms and promulgate definitions of identity of products.

SECTION 11. (2-19-409) Denial or Revocation of Registration

The Plant Board shall refuse to register any product that does not comply with this Act and the rules and regulations promulgated under this Act. The Plant Board is also authorized and empowered to revoke any registration upon satisfactory evidence that the registrant or any of his agents has used fraudulent or deceptive practices except that registration shall not be revoked until the registrant has been given an opportunity for hearing before the Board or its duly authorized agent.

SECTION 12. (2-19-403) Penalty & (2-19-413) Injunctions

(A) Any person convicted of violation of any provision of this Act or the rules and regulations promulgated under this Act shall be guilty of a misdemeanor.

(B) The Plant Board is hereby authorized to apply for and the court is authorized to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under this Act, notwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.

SECTION 13. (2-19-414) Deposit of Monies

The Plant Board shall remit all monies received by or for it under this Act to the State Treasurer. Upon receipt of any such remittance the State Treasurer shall deposit the entire amount thereof in the State Treasury and handle in the same manner s required in Section 4 of Act 106 of 1951, as amended, by Acts 221 and 301 of 1953 and Act 356 of 1957.

SECTION 14.

The provisions of this Act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

SECTION 15.

It is hereby found and determined by the General Assembly of Arkansas that the introduction on certain substances into the soil of this State endangers the soil of Arkansas, and poses a severe threat to the health, safety and welfare of the people of Arkansas. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval.